



140 Grand Street · Suite 705 · White Plains · New York · 10601 · (914) 686-1500 phone · (914) 487-5000 fax · www.yankwitt.com

February 20, 2020

By ECF

Hon. Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street, Room 2550
New York, New York 10007

2/21/2020
Proposed
Stayed
pending
settlement

Russell M. Yankwitt
Kathy S. Marks
Dina L. Hamerman
George C. Godfrey
Benjamin R. Allee

Craig M. Cepler
Michael H. Reed
Alicia A. Tallbe
Cassandra M. Vogel

**Not admitted in NY*

Re: *O'Toole v. Reifler et al.*, 7:20-cv-1430 (CM) (S.D.N.Y.)

Dear Judge McMahon:

We represent defendant/appellant Lisette Ackenberg ("Ackenberg") in the above-referenced bankruptcy appeal. We write jointly with counsel for Marianne O'Toole, as Chapter 7 Trustee (the "Chapter 7 Trustee"), to respectfully request the Court stay all deadlines in the appeal because the parties have reached a settlement that has been submitted to the Bankruptcy Court for approval pursuant to Fed. R. Civ. P. 9019.

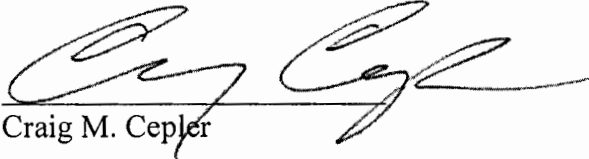
Ackenberg filed this appeal pursuant to 28 U.S.C. § 158(a)(3) – together with a motion for leave to appeal – seeking to reverse a discovery order by the Bankruptcy Court. After Ackenberg filed her notice of appeal, the parties reached a settlement of the Chapter 7 Trustee's claims against Ackenberg. On February 4, 2020, the Chapter 7 Trustee filed a motion for approval of the settlement, which is scheduled for a hearing before the Bankruptcy Court on March 3, 2020. The parties anticipate the Bankruptcy Court will issue an order on the motion at or immediately after that hearing. If the Bankruptcy Court approves the settlement, this appeal would be moot.

Accordingly, in the interests of judicial economy, the parties respectfully request this Court stay any deadlines on this bankruptcy appeal pending the Bankruptcy Court's decision on the pending Rule 9019 motion.

~~We thank the Court~~ We thank the Court for its attention to this matter.

Respectfully,

YANKWITT LLP

By: 
Craig M. Cepler

DOC #:

DATE FILED: 2/21/2020

cc: All Counsel (by ECF)